

FILED

JUN 22 2018

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WILLIAM FITCH,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

Cause No. CV 18-56-M-DLC-JCL

ORDER TO STATE TO FILE
DOCUMENTS

On March 12, 2018, Petitioner William Fitch filed this action under 28 U.S.C. § 2254. Fitch is a state prisoner proceeding pro se.

To complete the prescreening process, *see* Rule 4, Rules Governing § 2254 Cases, the Court requires several documents from the state court record.

Based on the foregoing, the Court enters the following:

ORDER

1. The State is deemed served by electronic delivery upon filing of this Order to the Montana Department of Justice general e-mail address for court filings. **Counsel must forthwith file a Notice of Appearance in this matter to ensure his or her personal receipt of future filings.**

2. On or before **July 20, 2018**, the State must file the following documents:

- a. the trial court's case register report for the criminal proceedings;
- b. any transcript previously prepared in the trial court, including that of the change of plea hearing;
- c. any and all waiver of rights forms and plea agreements signed by Fitch;
- d. the original judgment and any amended judgments;
- e. the trial court's case register report for the postconviction proceedings;
- f. all postconviction pleadings, with attached exhibits;
- g. any transcript previously prepared during postconviction proceedings, including the transcript of any and all evidentiary hearings;
- h. the parties' post-hearing briefs, if any;
- i. the trial court's order denying postconviction relief.

3. The State may, but need not, file any additional documents it believes to be relevant.

4. Manner of Filing the State Court Record.

- a. Exhibits must be filed and labeled in a way that enables people interested in the case to look at the electronic docket sheet and click on an exhibit they want to see without opening any other document. *See, e.g.,* Docket Entry 31, *Intervest-Mortgage Inv. Co. v. Canyon Holdings, LLC*, No. CV 10-25-M-DWM (D. Mont. July 19, 2010). The electronic filing system automatically inserts the word "Exhibit" as the first word in the title of any exhibit; the filing party completes the title in the filing process. The State may, but need not, use exhibit letters or numbers in addition to the exhibit label. For example, the

trial transcript might be filed and labeled in two segments as “[Exhibit] Trial Tr. to p.250,” “[Exhibit] Trial Tr. to p.500.”

- b. Exhibits should be filed in chronological order. For example, the Judgment entered by the trial court should be filed after pretrial motions and the trial transcript but before any briefs on appeal. For transcripts, the date of the event reported, not the date of the transcript’s preparation, controls. If some exhibits are not available until after the Answer is filed, they may be filed out of order.
- c. Transcripts must be filed electronically. If possible, they should be filed in an original electronic format rather than being scanned. To facilitate electronic viewing, a condensed version with four pages of testimony displayed on one page is no longer preferred, but the State need not reformat any transcripts already available.

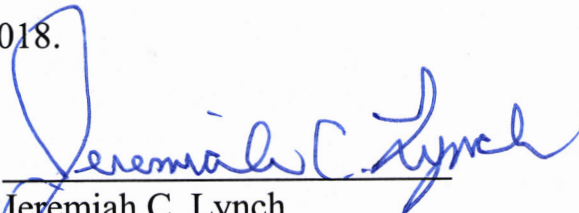
5. If Fitch has reason to believe the State’s exhibits are not the correct documents from the state-court record, he must, within 21 days of the State’s service of the documents, state the basis for denying their correctness. *See* Rule 7(c), § 2254 Rules.

6. Unless the State objects within seven (7) days of the date of this Order, Fitch need not serve on State’s counsel the materials he files with this Court. The State will be served via the Court’s electronic filing system. The State must, however, serve on Fitch a complete copy of everything it submits to the Court.

Fitch must immediately notify the Court of any change in his mailing address by filing a “Notice of Change of Address.” Failure to do so may result in

dismissal of this case without notice to him.

DATED this 2nd day of June, 2018.



Jeremiah C. Lynch
United States Magistrate Judge